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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/273,098	03/19/1999	MARC TESSIER-LAVIGNE	UC97-244-2	6612

7590

01/16/2003

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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 01/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/273,098

Applicant(s)

TESSIER-LAVIGNE ET AL.

Examiner

Marianne P. Allen

Art Unit

1631


--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 01 March 2001 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192 (c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENTIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c) (7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet


Marianne P. Allen
Primary Examiner
Art Unit: 1631

Continuation of 9. Other (including any explanation in support of the above items): The statement of the status of all the claims, pending or canceled, and identifying the claims appealed as required by 37 CFR 1.192(c)(3) is incorrect. The concise statement of the issues presented for review as required by 37 CFR 1.192(c)(6) is incorrect. The final rejection dated mailed 12/6/00 indicates that claim 7 is pending. Claim 7 is included in several grounds of rejection. The appeal brief filed 3/1/01 omits claim 7 as a pending and rejected claim.

The petition withdrawing the holding of abandonment (Paper No. 18) mailed 10/10/02 is noted. Applicant's reply (Paper Nos. 6 and 7) to the Office action mailed 5/2/00 (Paper No. 5) has been considered timely filed. The instant application had been finally rejected in the Office action mailed 12/6/00 (Paper No. 9) which addressed the reply of Paper Nos. 6 and 7 before the issue of timeliness of the reply had arisen. Applicant filed a Notice of Appeal on 2/23/01 (Paper No. 13) and an Appeal Brief on 3/1/01 (Paper No. 14). Applicant has been notified herein of non-compliance with 37 CFR 1.192(c). Applicant is further advised that the communication filed 10/17/02 entitled Proposed After Final Amendment has not been entered. Applicant cannot, as a matter of right, amend any finally rejected claims. Amendments filed after appeal are not entered as a matter of right. See MPEP 1207. The proposed amendments substantively change the claims on appeal and would require further consideration and search. As such, this communication will not be entered.